

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CASSIUS CLAY, SR.,)	
)	
Plaintiff,)	
)	Civil Action No. 05-125E
v.)	Judge Sean J. McLaughlin
)	Mag. Judge Susan Paradise Baxter
TRACY REEVES, et al.,)	
)	
Defendants.)	

MOTION FOR SUMMARY JUDGMENT

AND NOW, come the defendants, Tracy Reeves, Angie Marhefka, Jack Loughry, Sharon Burks, David Wakefield, Candis Brimmer and Jeffrey Beard, by their attorneys, Thomas W. Corbett Jr., Attorney General, Mary Friedline, Senior Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief, Litigation Section, and respectfully move for summary judgment in their favor, and in support thereof, state the following:

1. This action was initiated by Complaint dated April 28, 2005, seeking monetary relief, as well as declaratory and injunctive relief resulting from defendants' compliance with a wage attachment order issued by the Court of Common Pleas of Allegheny County, Family Division. (Docket #1).

2. It is essential to plaintiff's claims that this Court void or reverse orders issued by the Court of Common Pleas of Allegheny County, Family Division requiring plaintiff to make monthly payments towards support arrearages while he is incarcerated.

3. This Court is without jurisdiction over plaintiff's claims under the *Rooker Feldman* doctrine and the domestic relations exception to federal court jurisdiction.

Alternatively, this Court should abstain from deciding plaintiff's claim challenging DC-ADM 005 under the *Pullman* abstention doctrine.

4. Defendants' Brief in Support of their Motion and all exhibits are incorporated herein by reference.

5. There are no material issues of fact in dispute and defendants are entitled to summary judgment in their favor as a matter of law pursuant to Fed.R.Civ.P. 56.

WHEREFORE, defendants respectfully requests that summary judgment be entered in their favor and against Plaintiff.

Respectfully submitted,

**THOMAS W. CORBETT JR.,
Attorney General**

By: /s/ Mary Lynch Friedline
MARY LYNCH FRIEDLINE
Senior Deputy Attorney General
PA I.D. #47046

Susan J. Forney
Chief Deputy Attorney General
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL
5th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

Date: January 3, 2007

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2007, I electronically filed the foregoing *Motion for Summary Judgment* with the Clerk of Court using the CM/ECF system. And

I hereby certify that I have mailed the foregoing document by United States Postal Service to the following non CM/ECF participants:

Cassis M. Clay, Sr., DQ-5954
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By: /s/ Mary Friedline
MARY FRIEDLINE
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